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TO RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 0000  
INFO RUEHBS/USEU BRUSSELS  
RUEHAB/AMEMBASSY ABIDJAN 0000  
RUEHFR/AMEMBASSY PARIS 0000  
RUEATRS/TREASURY DEPT WASHINGTON DC 0000  
RUEKJCS/SECDEF WASHINGTON DC  
RHEHAAA/WHITE HOUSE WASHINGTON DC

UNCLAS STATE 110438

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E.O. 12958: N/A

TAGS: [KDEM](#) [KTFN](#) [PGOV](#) [PHUM](#) [PINS](#) [PREL](#) [PTER](#) [UNSC](#)  
SUBJECT: USUN INSTRUCTION: COTE D'IVOIRE SANCTIONS

REF: USUN NEW YORK 871

¶1. This is an action request. USUN is instructed to vote in favor of the adoption of the resolution (text in para 2) that will renew the UNSC Cote d'Ivoire sanctions regime and extend the mandate of the Group of Experts for an additional 12 months. Delegations are not expected to make statements, but USUN may draw from the points in para 3 below if there is a need for the Mission to speak after the vote. During the 27 October session, USUN may draw on the points in para 4 below.

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TEXT OF RESOLUTION  
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¶2. The Security Council,

Recalling its previous resolutions and the statements of its President relating to the situation in Cote d'Ivoire, in particular 1842 (2008) and 1880 (2009),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Cote d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Taking note of the report of the Secretary-General dated 29 September 2009 (S/2009/495) and of the reports of the United Nations Group of Experts on Cote d'Ivoire dated 8 April 2009 S/2009/188 and 7 October 2009 S/2009/421,

Emphasizing the continued contribution to Cote d'Ivoire's stability, in particular in the context of the forthcoming presidential elections, of the measures imposed by resolution 1572 (2004) and 1643 (2005),

Noting again with concern, in spite of the sustained improvement of the overall human rights situation, the persistence of reported human rights and humanitarian law violations against civilians in different parts of the country, including numerous acts of sexual violence, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Cote d'Ivoire, and recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security, its resolution 1612 (2005) on children and armed conflict and its resolution 1674 (2006) on the protection of civilians in armed conflict,

Determining that the situation in Cote d'Ivoire continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

¶11. Decides to renew until 29 October 2010 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005);

¶12. Decides to review the measures renewed in paragraph 1 above in light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, as referred to in resolution 18880 (2009), by the end of the period mentioned in paragraph 1, and decides further to carry out during the period mentioned in paragraph 1 above:

(a) a review of the measures renewed in paragraph 1 above no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards; or

(b) a midterm review no later than 30 April 2010 if no review has been scheduled on the basis of paragraph 2 (a) of this resolution at that date;

¶13. Calls upon the Ivorian parties to the Ouagadougou Political Agreement and all States, in particular those in the sub-region, to fully implement the measures renewed in paragraph 1 above, including as appropriate by taking the necessary rules and regulations and calls also upon the United Nations Operation in Côte d'Ivoire (UNOCI) to bring its full support in particular to the implementation of the measures on arms renewed in paragraph 1, within its capacities and mandate, as determined in resolution 1739 (2007) and renewed in resolution 1880 (2009) and calls upon further the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities;

¶14. Reiterates its demand in particular that the Ivorian authorities take the necessary measures to put an immediate end to any violation of measures imposed by paragraph 11 of resolution 1572 (2004) including those violations mentioned by the Group of Experts in its reports dated 21 September 2007 (S/2007/611), 15 October 2008 (S/2008/598) and 7 October 2009 (S/2009/521);

¶15. Demands that the Ivorian parties to the Ouagadougou Political Agreement, in particular the Ivorian authorities, provide unhindered access, particularly to the Group of Experts established pursuant to paragraph 7 of resolution 1584 (2005), to equipment, sites and installations referred to in paragraph 2 (a) of resolution 1584 (2005), and to all weapons, ammunition and related materiel, regardless of location, when appropriate without notice and including those under the control of Republican Guard units, and demands further that they provide access under the same conditions to UNOCI in order to carry out its mandate and to the French forces which support it, as set out in resolutions 1739 (2007) and 1880 (2009);

¶16. Reiterates that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

¶17. Reiterates that any serious obstacle to the freedom of movement of UNOCI or the French forces which support it, or any attack or obstruction of the action of UNOCI, the French forces, the Special Representative of the Secretary-General, the Facilitator mentioned in paragraph 23 of resolution 1880 (2009) or his Special Representative in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution 1572 (2004);

¶8. Requests the Secretary-General and the French Government to report to it immediately, through the Committee, any serious obstacle to the freedom of movement of UNOCI or of the French forces which support it, including the names of those responsible, and requests also the Secretary-General and the Facilitator to report to it immediately, through the Committee, any attack or obstruction of their action or action of the Special Representatives mentioned in paragraph 7 above;

¶9. Requests all States concerned, in particular those in the sub-region, to cooperate fully with the Committee, and authorizes the Committee to request whatever further information it may consider necessary;

¶10. Decides to extend the mandate of the Group of Experts as set out in paragraph 7 of resolution 1727 (2006) until 31 October 2010 and requests the Secretary-General to take the necessary administrative measures;

¶11. Decides that the report referred to in paragraph 7(e) of resolution 1727 (2006) may include, as appropriate, any information and recommendations relevant to the Committee's possible additional designation of individuals and entities pursuant to paragraphs 9 and 11 of resolution 1572 (2004);

¶12. Requests the Group of Experts to provide a midterm report to the Committee by 15 April 2010 and to submit a final written report to the Security Council through the Committee 15 days before the end of its mandated period, on the implementation of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and paragraph 6 of resolution 1643 (2005), as well as recommendations in this regard and requests further the Group of Experts to include in its report information on persons who deny it access to weapons, ammunition, and related materiel;

¶13. Requests the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

¶14. Requests also the French Government to communicate as appropriate to the Security Council, through the Committee, information which, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d'Ivoire;

¶15. Requests also the Kimberley Process to communicate as appropriate to the Security Council, through the Committee, information which, where possible, reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d'Ivoire;

¶16. Decides that the measures imposed by paragraph 6 of resolution 1643 (2005) shall not apply to an import that will be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process, and approved on a case by case basis by the Committee;

¶17. Decides that a request made in accordance with paragraph 16 shall be submitted to the Committee jointly by the Kimberley Process and the importing Member State and decides further that, where the Committee has approved an exemption pursuant to this paragraph, the importing Member State shall notify the Committee of the results of the study and share the results without delay with the Group of Experts on Côte d'Ivoire to assist them in their investigations;

¶18. Urges all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible

violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 above;

¶19. Demands further in this context that all Ivorian parties and all States, particularly those in the region ensure:

(a) the safety of the members of the Group of Experts;  
(b) unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

¶20. Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

(a) A threat to the peace and national reconciliation process in Cote d'Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;

(b) Attacking or obstructing the action of UNOCI, of the French forces which support it, of the Special Representative of the Secretary-General, of the Facilitator or his Special Representative in Cote d'Ivoire;

(c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces which support it;

(d) Responsible for serious violations of human rights and international humanitarian law committed in Cote d'Ivoire;

(e) Inciting publicly hatred and violence; or

(f) Acting in violation of the measures imposed by paragraph 7 of resolution 1572 (2004);

¶21. Decides to remain actively seized of the matter.

END TEXT

¶3. The following points may be drawn upon, if USUN wishes to make a statement after the vote on 29 October:

-- The United States believes targeted sanctions do and should continue to play an important role in supporting peace and stability in the region by encouraging reconciliation of those earnestly committed to peace, while isolating and deterring the actions of those who would oppose it.

- The United States is deeply troubled by reports of ongoing violations of the measures adopted by the Security Council, and supports full implementation of UNSC imposed measures on Cote d'Ivoire.

- The Group of Experts can only be effective if Member States respect the Group's mandate as set forth by the Security Council and allow the Group freedom of movement and access to people, documents, and weapons, ammunition, and related materiel.

END POINTS FOR VOTE

¶4. USUN may draw on the following points in the 27 October Council consultations during which the Cote d'Ivoire sanctions will be reviewed:

- I would like to thank Ambassador Heller for his briefing. I would like to make three points about the Cote d'Ivoire sanctions regime.

- First, the United States believes this sanctions regime continues to support peacebuilding and security in Cote d'Ivoire. We therefore fully support the renewal of the asset freeze, travel ban, arms embargo, and ban on rough diamond exports and the proposed extension of the mandate of the Group of Experts for one year. Once the elections have been concluded, we should be prepared to re-evaluate the sanctions and determine whether the regime needs to be

modified.

- Second, the United States is concerned about the continued violations of the sanctions regime documented in the Group of Experts' most recent report. Any violation of a Security Council resolution is troubling. The United States urges all Member States, particularly Cote d'Ivoire, to comply with the measures imposed by resolutions 1572 (2004) and 1643 (2005).

- And, third, Mr. President, the United States commends the Group of Experts for its highly-professional, unbiased, and thorough report and recommendations. We urge all Member States to study the recommendations in an effort to promote peace and security in Cote d'Ivoire, particularly over the course of the next months, both before and after the presidential and legislative elections.

- We recognize the importance of supporting the Group of Experts' role of independently collecting the facts and presenting them both clearly and objectively to the 1572 Committee. UNSC Sanctions Committees' expert panels remain an essential tool to help the Council ensure implementation of its decisions.

END POINTS FOR CONSULTATIONS

15. Department appreciates Mission's efforts and commends post for excellent and helpful reporting in USUN 871.  
CLINTON